

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE BARRY WHITE FAMILY  
TRUST U/A/D: DECEMBER 19, 1980,  
BY ITS DULY EMPOWERED TRUSTEES

Case No. 24-cv-07509 (DLC)

Plaintiffs,

-against-

**ANSWER TO RODNEY DAVID  
OLIVER'S  
COUNTERCLAIMS**

JOE COOLEY,  
RODNEY DAVID OLIVER P/K/A  
RODNEY-O, d/b/a NOT INTRESTED PUBLISHING

Defendants.  
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The Barry White Family Trust U/A/D December 19, 1980, by and through its co-trustees (collectively, "Plaintiffs"), through its undersigned counsel, for and as its Answer to the counterclaims (Dkt. 70) (the "Counterclaims") filed by Defendant Rodney David Oliver (hereinafter referred to as "Oliver"), answer and allege as follows:

**COUNTERCLAIMS**

1. Plaintiffs deny knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Counterclaims and, on that basis, deny the allegations contained therein.
2. Plaintiffs deny the allegations in Paragraph 2 of the Counterclaims.
3. Plaintiffs deny the allegations in Paragraph 3 of the Counterclaims.
4. Plaintiffs deny the allegations in Paragraph 4 of the Counterclaims.
5. Plaintiffs deny the allegations in Paragraph 5 of the Counterclaims.
6. Plaintiffs deny the allegations in Paragraph 6 of the Counterclaims.

7. Plaintiffs deny the allegations in Paragraph 7 of the Counterclaims.
8. Plaintiffs deny the allegations in Paragraph 8 of the Counterclaims.
9. Plaintiffs deny the allegations in Paragraph 9 of the Counterclaims.
10. Plaintiffs deny the allegations in Paragraph 10 of the Counterclaims.
11. Plaintiffs deny the allegations in Paragraph 11 of the Counterclaims.
12. Plaintiffs deny the allegations in Paragraph 12 of the Counterclaims.

### **GENERAL DENIAL AND DEFENSES**

Plaintiffs deny any and each allegation, inference, declaration, claim, inference, or assertion in the Counterclaims that is not specifically and explicitly admitted in this Answer.

In addition, Plaintiffs further propounds the following separate and additional defenses and, in so doing, Plaintiffs in no way concedes that it has the burden of proof and/or burden of persuasion with respect to any of the additional defenses set forth herein.

### **FIRST AFFIRMATIVE DEFENSE**

Any damages which may have been sustained by Oliver were caused or contributed to in whole or in part by the culpable conduct or contributory negligence and fault of Oliver or his employees, representatives, agents or affiliates.

### **SECOND AFFIRMATIVE DEFENSE**

Upon information and belief, Oliver has failed to mitigate its claimed injury and damages.

### **THIRD AFFIRMATIVE DEFENSE**

Oliver's reliance, if any, on the purported acts or omissions of the Plaintiffs was not reasonable and was not justified.

#### **FOURTH AFFIRMATIVE DEFENSE**

The claims in the Counterclaims are barred, in whole or in part, by the equitable doctrine of estoppel.

#### **FIFTH AFFIRMATIVE DEFENSE**

Oliver's Counterclaims fail to state a cause of action.

#### **SIXTH AFFIRMATIVE DEFENSE**

Plaintiffs' defense is based on documentary evidence.

#### **ADDITIONAL DEFENSES**

Plaintiffs hereby give notice that, due to its incomplete knowledge as to the matters set forth in the Counterclaims, it is unable to determine whether it has additional defenses or claims not expressly enumerated in the preceding paragraphs or elsewhere in this Answer. Plaintiffs thus reserves its right to amend its Answer, to assert additional defenses or claims and to rely upon those additional defenses and claims to the extent they become available or apparent during discovery or further proceedings in this action.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs requests that the Court enter judgment against Oliver as follows:

- a. Dismissing Oliver's Counterclaims in its entirety with prejudice and that judgment be entered in favor of Plaintiffs;
- b. Awarding Oliver nothing;
- c. Awarding Plaintiffs the costs of suit, including attorney's fees, incurred in the defense of this action; and

d. Awarding Plaintiffs such other and further relief as it deems just and proper.

Dated: New York, New York  
April 30, 2025

Respectfully submitted,

HERBSMAN, HAFFER, WEBER  
& FRISCH, LLP

By: 

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